

**CITY OF CENTENNIAL,  
COLORADO**

**ORDINANCE NO. 2014-O-38**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTENNIAL,  
COLORADO APPROVING AN ANNEXATION AND DEVELOPMENT AGREEMENT  
FOR PROPERTY KNOWN AS THE DRY CREEK CORPORATE CENTER  
ANNEXATION NOS. 1, 2 AND 3 AND ESTABLISHING VESTED PROPERTY RIGHTS  
PURSUANT TO ARTICLE 68 OF TITLE 24, C.R.S., AS AMENDED, AND SECTION  
12-14-606 OF THE 2011 LAND DEVELOPMENT CODE**

WHEREAS, United Properties of Colorado, LLC (“United”) has submitted an application to the City of Centennial to establish vested property rights through designation of the Annexation and Development Agreement for the Dry Creek Corporate Center (the “Development Agreement”) as a site specific development plan in accordance with C.R.S. §§ 24-68-101, *et seq.* and Section 12-14-606 of the 2011 Land Development Code (the “2011 LDC”); and

WHEREAS, a copy of the Development Agreement is on file with the City Clerk’s Office, 13133 E. Arapahoe Road, Centennial, Colorado, and has been executed by an authorized signatory of United; and

WHEREAS, the Development Agreement contains a conceptual site plan for residential multi-family development within Lot 1, Block 1, Pointe South Corporate Center Filing No. 3 (the “Conceptual Site Plan”); and

WHEREAS, in accordance with C.R.S. §§ 24-68-101 *et seq.* and the 2011 LDC, United desires to pursue and obtain vested property rights through designation of the Development Agreement as a “Site Specific Development Plan,” as that term is defined in the Development Agreement; and

WHEREAS, as more fully set forth in the Development Agreement the Conceptual Site Plan shall not be vested as a Site Specific Development Plan until such time as a site plan for Lot 1, Block 1, Pointe South Corporate Center Filing No. 3 has received final City Council approval; and

WHEREAS, public notice has been properly given of the proposed creation of vested property rights associated with the Site Specific Development Plan by publication in *The Villager*, a newspaper of general circulation within the City of Centennial, by posting of the property subject to the Development Agreement, being more particularly described in **Exhibit A** attached hereto and incorporated herein by reference (the “Property”), and by mail notification of adjacent property owners in accordance with the applicable provisions of the 2011 LDC; and

WHEREAS, in accordance with the 2011 LDC, a public hearing was held before the City Council at which time evidence and testimony were presented to the City Council concerning the Site Specific Development Plan; and

WHEREAS, the approval or denial of vested property rights is a legislative determination of City Council; and

WHEREAS, the City Council has determined that the Site Specific Development Plan contains sufficient restrictions and is sufficiently well-defined to justify its designation as a site specific development plan under Article 68, Title 24, C.R.S. and Section 12-14-606 of the 2011 LDC; and

WHEREAS, based on the foregoing recitals, and other relevant circumstances including but not limited to the size and phasing of the development planned for the Property, the economic cycles and market conditions affecting the Property, specifically including but not limited to absorption rates for leasing and sales of similar development projects, the City Council determines that the granting of vested property rights for a period of ten (10) years as set forth in the Development Agreement is sufficiently justified; and

WHEREAS, City Council has determined that development of the Property in accordance with the terms and conditions of the Development Agreement will provide for orderly and well-planned growth, promote economic development and financial stability within the City, ensure reasonable certainty, stability and fairness in the land use planning process, secure the reasonable investment-backed expectations of United, foster cooperation between the public and private sectors in the area of community development, and will otherwise implement the provisions of C.R.S. §§ 24-68-101 *et seq.*; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law and the 2011 LDC by setting a public hearing in order to provide the Owner and the public an opportunity to present testimony and evidence regarding the vested property rights application. Approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the application for vested property rights.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:**

**Section 1. Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

**Section 2. Annexation and Development Agreement Approved.** The City Council hereby approves the Annexation and Development Agreement between the City and United, a copy of which is on file with the City Clerk's office, and authorizes the Mayor to execute the Annexation and Development Agreement on behalf of the City.

**Section 3. Direction to City Staff.** The City Council hereby directs Staff to complete all necessary procedures necessary for the effectiveness of the Annexation and

Development Agreement including: (1) recording a fully executed copy of the Annexation and Development Agreement in the real property records of Arapahoe County, Colorado following the effective date of the annexation of the Property to the City of Centennial; and (2) filing the Annexation and Development Agreement of record with the City Clerk of the City of Centennial, Colorado.

**Section 4. Approval of Site Specific Development Plan.** The City Council hereby approves the Development Agreement as a site specific development plan within the meaning of C.R.S. § 24-68-102(4) for vesting purposes. The Conceptual Site Plan attached and incorporated in the Development Agreement shall not be vested until such time as the site plan for Lot 1, Block 1, Pointe South Corporate Center Filing No. 3 has received final City Council approval.

**Section 5. Creation of Vested Property Rights and Term.** Approval of the Development Agreement as the Site Specific Development Plan creates vested property rights pursuant to Article 68, Title 24, C.R.S. and Section 12-14-606 of the 2011 LDC. In accordance with C.R.S. § 24-68-104(2), C.R.S. the duration of the vested property rights created by approval of the Site Specific Development Plan and this Ordinance shall commence on the Effective Date of this Ordinance and shall extend through December 31, 2024. In accordance with Section 12-14-606(B)(3) of the 2011 LDC, the establishment of vested property rights shall not preclude the application of any legislatively adopted fees which are general in nature, uniform in character and applicable to all properties or a similarly situated class of properties.

**Section 6. Notice of Approval.** As required by Section 12-14-606 of the 2011 LDC, a notice stating that a vested property right has been created shall be published once by the City in a newspaper of general circulation in the City not more than fourteen (14) days after final adoption of this Ordinance approving the Site Specific Development Plan. The notice shall include the information required by Section 12-14-606(D)(2) of the 2011 LDC.

**Section 7. Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 8. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 9. Effective Date.** Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 21<sup>ST</sup> DAY OF JULY, 2014.

CITY OF CENTENNIAL

By: \_\_\_\_\_  
Cathy A. Noon, Mayor

Approved as to Form:

\_\_\_\_\_  
For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of July 21, 2014 and ordered published one time by title only in *The Villager* newspaper on July 24, 2014, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: \_\_\_\_\_  
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2014, BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ AGAINST.

CITY OF CENTENNIAL

By: \_\_\_\_\_  
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of \_\_\_\_\_, 2014, and ordered published by title only, one time by *The Villager* newspaper on \_\_\_\_\_, 2014 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: \_\_\_\_\_  
City Clerk or Deputy City Clerk

**EXHIBIT A**

(Legal description of Property – Dry Creek Corporate Center Annexation Nos. 1 - 3)

**(AREA TO BE ANNEXED TO CITY OF CENTENNIAL)**

**ANNEXATION PARCEL DESCRIPTION: ANNEXATION NO. 1**

**PARCEL ONE:**

LOT 1, BLOCK 1, AND TRACT D, POINTE SOUTH CORPORATE CENTER SUBDIVISION, AS PER THE PLAT THEREOF RECORDED JANUARY 31, 1990 AT RECEPTION NO. 9046, COUNTY OF ARAPAHOE, STATE OF COLORADO,

TOGETHER WITH:

**PARCEL TWO:**

LOT 1, BLOCK 1, POINTE SOUTH CORPORATE CENTER FILING NO. 3, AS PER THE PLAT THEREOF RECORDED JANUARY 31, 2000 AT RECEPTION NO. B0011286, COUNTY OF ARAPAHOE, STATE OF COLORADO,

TOGETHER WITH:

**PARCEL THREE:**

TRACT B, POINTE SOUTH CORPORATE CENTER SUBDIVISION REPLAT OF ADMINISTRATIVE RESUBDIVISION, AS PER THE PLAT THEREOF RECORDED FEBRUARY 9, 1988 AT RECEPTION NO. R2937862, COUNTY OF ARAPAHOE, STATE OF COLORADO

PARCELS ONE, TWO AND THREE DESCRIBED ABOVE BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO

AND TOGETHER WITH THE FOLLOWING PLATTED STREETS OR RIGHTS-OF WAY:

THAT PORTION OF SOUTH JOLIET STREET WITHIN THE SOUTHWEST QUARTER OF SAID SECTION 26, BOUNDED ON THE NORTH BY EAST EASTER AVENUE AND ON THE SOUTH BY THE SOUTH LINE OF SAID POINTE SOUTH CORPORATE CENTER FILING NUMBER 3,

ALONG WITH THAT PORTION OF EAST GEDDES AVENUE WITHIN THE SOUTHWEST QUARTER OF SAID SECTION 26, BOUNDED ON THE EAST BY SOUTH JOLIET STREET AND ON THE WEST BY THE EAST LINE OF HAVANA STREET.

ALONG WITH ALL OF SOUTH IOLA STREET WITHIN THE SOUTHWEST QUARTER OF SAID SECTION 26,

ALONG WITH ALL OF SOUTH HAVANA STREET LOCATED WITHIN THE SOUTHWEST QUARTER OF SAID SECTION 26, BOUNDED ON THE NORTH BY THE CITY OF CENTENNIAL BOUNDARY,

ALONG WITH ALL OF SOUTH HAVANA STREET LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 27,

ALONG WITH ALL OF EAST DRY CREEK STREET LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 27,

ALONG WITH ALL OF EAST DRY CREEK STREET LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 34.

**ANNEXATION PARCEL DESCRIPTION: ANNEXATION NO. 2**

**PARCEL FOUR:**

LOT 3, POINTE SOUTH CORPORATE CENTER FILING NO. 2, AS PER THE PLAT THEREOF RECORDED JANUARY 14, 1998 AT RECEPTION NO. A8005705, COUNTY OF ARAPAHOE, STATE OF COLORADO.

**ANNEXATION PARCEL DESCRIPTION: ANNEXATION NO. 3**

**PARCEL FIVE:**

LOT 2, BLOCK 2, POINTE SOUTH CORPORATE CENTER SUBDIVISION FILING NUMBER 3, AS PER THE PLAT THEREOF RECORDED JANUARY 31, 2000 AT RECEPTION NO. B0011286, COUNTY OF ARAPAHOE, STATE OF COLORADO.

Published in full on the City of Centennial website, [www.centennialcolorado.com](http://www.centennialcolorado.com), on Friday, July 18, 2014.

/s/ Brenda J. Madison, MMC, City Clerk

